

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KIMBERLY DIESEL,

Plaintiff,

vs.

MARIANI PACKING COMPANY,
INC.,

Defendant.

Case No. 4:22-cv-01368-AGF

ORDER

The matter is before the Court upon the Plaintiff's response to the Court's Order of May 16, 2024 (ECF No. 45), requesting that Plaintiff provide revised and finalized supplemental proposed notices. ECF No. 47.

On May 2, 2024, Plaintiff filed its motion and memorandum of law to approve the proposed class notice provider and program. ECF No. 40. Plaintiff attached additional documentation verifying the company overseeing the notice plan and further detailing the efficacy of the plan. ECF Nos. 40-1, 40-2. Also on May 2, 2024, counsel for Plaintiff and Defendant filed a joint proposed order approving the proposed class notice plan and notice provider. ECF No. 41.

On May 3, 2024, the Court issued an order for Plaintiff to supplement her motion with (1) the proposed form of notice to be sent to putative Class Members, (2) all proposed dates and deadlines for notice, including with respect to dissemination of notice

and reporting compliance with the notice program to the Court, and (3) whether the parties were in agreement with respect to the proposed form of notice and schedule. ECF No. 42.

On May 10, 2024, Plaintiff filed the proposed notices with the Court. ECF No. 43. In her response, Plaintiff proposed to begin disseminating notices on June 10, 2024, and to report compliance with the notice program on or before September 10, 2024. *Id.* On May 14, 2024, Defendant submitted its response to Plaintiff's proposed forms of notice and all proposed dates and deadlines. ECF No. 44. Defendant had no objection to Plaintiff's proposals. *Id.* On May 16, 2024, the Court granted the Plaintiff's motion to approve the notice provider and forms of notice and ordered Plaintiff to file revised notice forms with all necessary dates and contact information to be disseminated to prospective Class Members. ECF No. 45.

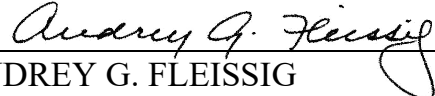
On June 6, 2024, Plaintiff filed revised and supplemental class notice forms. ECF No. 46. Plaintiff filed "Final" notice forms later on June 6, 2024.¹ The Court

¹ The Court communicated with counsel for both parties after receiving Plaintiff's revised supplemental class notice forms. ECF No. 46. The Court discussed potential edits with counsel to improve the consistency and accuracy of both forms of notice. The Court also discussed including a firm date by which potential Class Members must opt-out of the Class. The Court proposed August 10, 2024 as the date by which prospective Class Members must opt-out. Counsel for Plaintiff and Defendant both agreed to the revisions in the notices and agreed to the new opt-out date. Counsel for Defendants separately suggested that dissemination of the notices should be postponed until after discovery closed; however, Defendant offered no basis for why dissemination should be delayed, and Defendant previously approved both the form of notice and the date for issuance. ECF No. 44. Therefore, the Court will not change the date for dissemination of

appreciates the parties' agreement on the final supplement class notice forms and the firm opt-out deadline of August 10, 2024. Upon review of the notice plan and the proposed final notices, the Court finds that they provide Class Members the best notice practicable under the circumstances of this case in compliance with Federal Rule of Civil Procedure 23(c)(2)(B).

Accordingly,

IT IS HEREBY ORDERED that the Court approves the Final Revised Long Form Notice and Final Revised Short Form Notice filed on June 6, 2024 (ECF No. 47) and plan for dissemination (ECF Nos. 40, 43), and concludes that it complies with Federal Rule of Civil Procedure 23(c)(2)(B).



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 7th day of June, 2024.

the notices.